HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 36813 of 1998

Dated 6th July, 2007

Between

Sri Veerabrahmam Saw Mill, Katlakunta
Karimnagar district, rep. By its Prop.
R.Parameswar

…Petitioner

and

The Prl.Chief Conservator of Forests, AP, Hyderabad,
and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 36813 of 1998

ORDER:

This Writ Petition is filed questioning the order dated 9-12-1997 in Ref.No.13075/89-W2 passed by the Principal Chief Conservator of Forests, confirming the order of the Divisional Forest Officer, dated 27-4-1997.

The petitioner is a licencee under the A.P.Saw Mills (Regulations) Rules,1969 framed under the AP Forest Act, 1967. The second respondent inspected the petitioner-mill on 28-10-1988 and on the ground that there was excess wood stock in comparison to the book entries to that of ground stock, and, on the ground that there was no proper explanation by the petitioner, the primary authority-

Divisional Forest Officer, Karimnagar, passed orders cancelling the licence of the petitioner. Aggrieved by the same, the petitioner had preferred appeal before the appellate authority--Principal Chief Conservator of Forests, Andhra Pradesh and the appellate authority dismissed the appeal by order dated 9-12-1997.

At the stage of admission, this Court by order dated 31-12-1998 granted interim suspension of the order dated 9-12-1997 and the said order continued all along.

Apart from various grounds raised, precisely, it is the case of the petitioner that there was no proper opportunity and date of hearing was not notified to the petitioner. Without referring to the specific allegation of the petitioner, it is merely stated in the counter affidavit that the appellate authority had considered the matter in all aspects and dismissed. Though it is submitted by the learned Government Pleader appearing for the respondents that opportunity was given to the petitioner, but in absence of specific averment in the counter affidavit with regard to allegation of the petitioner, and having regard to the facts and circumstances of the case, I deem it a fit case where the petitioner should be given further opportunity of hearing before disposal of the appeal. In that view of the matter, the order dated 9-12-1997 in proceedings Ref.No.13075/89-W2 passed by the Principal Chief Conservator of Forests, Andhra Pradesh is set side and the matter is remitted back to the said authority with a direction to consider the appeal afresh by issuing notice of hearing to the petitioner and dispose of the appeal on merits. The interim order granted by this Court on 13-12-1998 shall continue till the disposal of the appeal by the appellate authority-the first respondent herein.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 06-07-2007.
Msnr.